

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALF RENTAL COMPANY, INC.,

Plaintiff,

Docket No.: 07 CV 3148 (LAK)

-against-

BUILDERS RESOURCE, INC., D'ONOFRIO GENERAL  
CONTRACTORS CORP., CONSOLIDATED EDISON  
OF NEW YORK, INC., TERRA DINAMICA, LLC,  
CORESLAB STRUCTURES, and NICOLSON  
CONSTRUCTION CO.,

Defendants.

**NOTICE OF MOTION  
TO DISMISS THIRD-  
PARTY COMPLAINT**

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BUILDERS RESOURCE, INC.,

Third-Party Plaintiff,

-against-

BAY CRANE SERVICE INC.,

Third-Party Defendant.

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S I R S:

**PLEASE TAKE NOTICE** that upon the declaration of Stephen H. Marcus, Esq. dated August 16, 2007, and the affidavit of Steven Allard, sworn to the 14th day of August, 2007, and the exhibits annexed thereto, the third-party defendant Steven Allard will move this Court, at 500 Pearl Street, New York, New York, at a date to be determined by the Court, for an order, pursuant to FRCP Rule 12(b), dismissing the third-party complaint against Steven Allard alleged

by defendant Coreslab Structures (Conn.), Inc., together with such other and further relief as to this Court seems proper.

Dated: New York, New York

August 20, 2007

Yours, etc.

LAMBERT & WEISS

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*Third-Party Plaintiff Builders Resource, Inc.,  
and Third-Party Defendant Steven Allard*

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